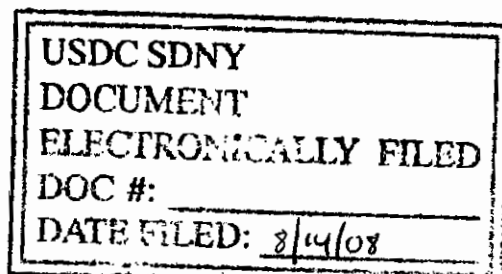


The Jerome N. Frank Legal Services Organization

YALE LAW SCHOOL



BY FACSIMILE

August 14, 2008

The Honorable Denny Chin
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1020
New York, NY 10007-1312

Re: Families for Freedom v. Chertoff,
No. 08 Civ. 4056 (DC)

*Adjourned
to 9/12/08
so ORDERED at 10 am.*
[Signature]
WDS
8/14/08

Dear Judge Chin:

On behalf of Plaintiffs in the above-captioned case, we write respectfully to request an adjournment of the pre-motion conference scheduled for August 26, 2008 to a date on or after September 8, 2008. Counsel for defendants has consented to this request.

Plaintiffs petitioned the Department of Homeland Security in January 2007 to initiate a rule-making procedure to promulgate comprehensive, enforceable regulations regarding immigration detainees. Receiving no response, Plaintiffs filed suit pursuant to 5 U.S.C. § 555(b) of the Administrative Procedure Act, which requires that the agency respond "within a reasonable time" to a petition for rulemaking, and, pursuant to 5 U.S.C. § 706(1), Plaintiffs ask the Court to compel agency action that has been "unlawfully withheld or unreasonably delayed." Defendants have indicated their intention to move to dismiss the complaint based on their contentions that the agency owes no duty to respond substantively to a request for rulemaking. Defendants further assert that any duty of response has been mooted by the agency's letter of July 15, 2008, which explains that Plaintiffs' petition is still under consideration. Finally, Defendants contend that Plaintiffs lack standing. Plaintiffs dispute each of these arguments.

Plaintiffs respectfully request that the date for the pre-motion conference be rescheduled to allow the law student intern handling this matter adequately to prepare and to avoid conflicts with previously-scheduled vacation plans of supervising attorney Michael Wishnie. Assistant U.S. Attorney David Bober, counsel for defendants, consents to this request. Plaintiffs have not

previously requested an extension. This proposed extension does not, to Plaintiffs' knowledge, affect any other scheduling dates.

Respectfully submitted,



Mike Wishnie, Supervising Attorney (MW 1952)
Lindsay Nash, Law Student Intern

cc: David Bober, Assistant U.S. Attorney, Counsel for Defendants
(by facsimile)